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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Makoto SUZUKI et al.

**ATTENTION: GROUP DIRECTOR**

Technology Center 3700

Group Art Unit: 3748

Application No.: 10/758,014

Examiner: T. NGUYEN

Filed: January 16, 2004

Docket No.: 117499

For: EXHAUST EMISSION CONTROL SYSTEM

**PETITION TO RESET A PERIOD FOR REPLY  
DUE TO LATE RECEIPT OF OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

According to the Patent Office PAIR database, an Office Action was mailed by the Patent Office on March 7, 2006 for the above-identified application. However, Applicants' undersigned representative hereby states that such Office Action was never received through the mail by the law firm of Oliff & Berridge, or by the Applicants or anyone else associated with the prosecution of this application.

Applicants' undersigned representative then checked the Patent Office PAIR database and discovered the existence of the March 7, 2006 Office Action. Applicants' undersigned representative also discovered that the March 7, 2006 Office Action was returned to the Patent Office on March 8, 2006. Because an image file wrapper of this application was available from the Patent Office, on July 3, 2006 Applicants' undersigned representative downloaded the March 7, 2006 Office Action and obtained a copy of the references cited on

the PTO-892 accompanying that Office Action. Accordingly, through Applicants' own effort, Applicants obtained the March 7, 2006 Office Action on July 3, 2006.

Accordingly, Applicants request that the time period for replying to the outstanding Office Action be reset to start on July 3, 2006, i.e., the date that Applicants became aware of, and obtained by downloading from the PTO website, the March 7, 2006 Office Action.

Applicants' undersigned representative submits that Applicants have satisfied the requirements set forth in MPEP 710.06, which relates to the present situation. In particular, section I of MPEP 710.06 most closely relates to the present situation, although, as explained above, Applicants never received the Office Action through the mail, but rather obtained the Office Action from the image file wrapper available over PAIR. With respect to section I(A), this Petition is being filed within two weeks of the July 3, 2006 date of discovery of and receipt of the Office Action. With respect to section I(B), a substantial portion of the set reply period (i.e. the entire three months) had elapsed when Applicants received the Office Action. With respect to I(C), Applicants' undersigned representative has explained and set forth the date of receipt of the Office Action. Applicants cannot show any evidence regarding receipt of the Office Action that was mailed by the Patent Office, because Applicants still have not received the Office Action that was allegedly mailed. However, Applicants can show that that the March 7, 2006 Office Action was returned to the Patent Office.

In order to establish that the March 7, 2006 Office Action was not received by mail by Applicants' undersigned representative, attached hereto are three sheets related to the above-identified application. Sheet 1 is an outline of the image file wrapper for this application. The March 8, 2006 entry states "mail returned to USPTO as undelivered." Sheet 2 was downloaded from the March 8, 2006 entry. The encircled portion labeled A on Sheet 2 identifies the March 7, 2006 Office Action as received on March 8, 2006. Sheet 2 also

includes the correct mailing address for Oliff & Berridge. As indicated by the encircled portion labeled C on Sheet 3, the March 7, 2006 Office Action was entered into Oliff & Berridge's computerized docketing system on July 3, 2006 at 3:36 PM. In particular, under the column labeled "Date Changed" the date for the March 7, 2006 was changed on July 3, 2006 at 3:36 PM. In addition, the letter "I" (encircled portion labeled B) under the column labeled "Action" signifies that the particular action was initially ("I" stands for Initial Entry) entered on July 3, 2006.

Accordingly, the March 7, 2006 Office Action was not entered into Oliff & Berridge's computerized docketing system until the downloaded version was obtained on July 3, 2006 by Applicants' undersigned representative, and promptly given to the Oliff & Berridge docketing department. As the Oliff & Berridge docketing department immediately enters Patent Office communications when received (usually by mail from the Patent Office), the fact that the Office Action was not entered until July 3, 2006 further establishes that the Office Action allegedly mailed by the Patent Office on March 7, 2006 was never received by Oliff & Berridge.

Although it is believed that no fee is due, the Patent Office is authorized to charge Deposit Account No. 15-0461 for any fees deemed necessary to grant this Petition.

The appropriate Patent Office official is invited to contact Applicants' undersigned attorney at the telephone number listed below if there are any questions or if any additional information is desired.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Scott M. Schulte  
Registration No. 44,325

JAO:SMS/smo

Enclosure:  
3 Sheets

Date: July 7, 2006

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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Method:

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SUBMIT

SHEET 1

10/758,014 Exhaust emission control system

Application Data	Transaction History	Image File Wrapper	Foreign Priority	Published Documents	Publication Dates
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This application is officially maintained in electronic form. To View: C  
Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description
03-08-2006	<a href="#">Mail returned to USPTO as undelivered</a>
03-07-2006	<a href="#">Non-Final Rejection</a>
03-07-2006	<a href="#">List of References cited by applicant and considered by examiner</a>
03-07-2006	<a href="#">List of references cited by examiner</a>
03-07-2006	<a href="#">Search information including classification databases and other search related notes</a>
03-07-2006	<a href="#">Index of Claims</a>
02-01-2006	<a href="#">Response to Election / Restriction Filed</a>
01-10-2006	<a href="#">Requirement for Restriction/Election</a>
01-10-2006	<a href="#">Index of Claims</a>
07-14-2005	<a href="#">Miscellaneous Incoming Letter</a>
02-03-2005	<a href="#">Information Disclosure Statement (IDS) Fi</a>
02-03-2005	<a href="#">Foreign Reference</a>
02-03-2005	<a href="#">Foreign Reference</a>
02-03-2005	<a href="#">Foreign Reference</a>
02-03-2005	<a href="#">Foreign Reference</a>

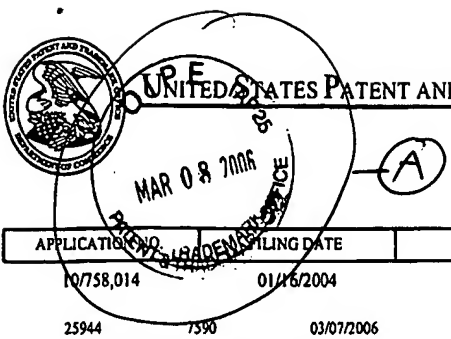
02-03-2005	<a href="#">NPL Documents</a>
01-16-2004	<a href="#">Foreign Reference</a>
01-16-2004	<a href="#">Foreign Reference</a>
01-16-2004	<a href="#">Transmittal letter</a>
01-16-2004	<a href="#">Specification</a>
01-16-2004	<a href="#">Claims</a>
01-16-2004	<a href="#">Abstract</a>
01-16-2004	<a href="#">Drawings</a>
01-16-2004	<a href="#">Oath or Declaration filed</a>
01-16-2004	<a href="#">Application Data Sheet</a>
01-16-2004	<a href="#">Information Disclosure Statement (IDS) Fi</a>
01-16-2004	<a href="#">Foreign Reference</a>
01-16-2004	<a href="#">Foreign Priority Papers Filed</a>
01-16-2004	<a href="#">Foreign Priority Papers Filed</a>
01-16-2004	<a href="#">Fee Worksheet (PTO-875)</a>
01-16-2004	<a href="#">Fee Worksheet (PTO-875)</a>

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,014	01/16/2004	Makoto Suzuki	117499	6249

25944 7590 03/07/2006  
OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SHEET 2

# Properties

File Options Window Report Forms Help



Other Details | Related Cases | Actions | Official Nos | Docket Notes | Designated Countries | Attorney Notes | Renewal Names |

Docket No 117499		U.S. Patent - Properties	
Application No. : 10/758,014		Published	

Created Actions	Cycle	Status	Criteria
Filing	1		160609
Action Dates	1		-4000000
Overview	1		-1069
Examination/Prosecution	1		160590
PTO Correspondence	1	Published	160565

Action:

Refresh Police

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## Event History

Current Event

Event: 3 Month Office Action Mail Dat Due Date: Created By Criteria: 160590

Event Number: -11330 Cycle: 1 Created By Action: EN

Event Date: 3/7/2006 Event Text:

Event	Event No	Staff	Date Changed	Action	Cycle	Event Date	Due Date	Date Remind	Event Text	Created E
3 Month Off	-11330	mpow	2006-07-03-15.36	U	1	2006-03-07				160590
3 Month Off	-11330	mpow	2006-07-03-15.36	1	1	2006-03-07				160590

SHEET 3